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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,538	12/11/2003	James E. Buchman	08447-03/01-1978/370093-3	7736

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EXAMINER

PASCUA, JES F

ART UNIT PAPER NUMBER

3727

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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10042005

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Commissioner for Patents

Newly submitted claims 1-3 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Original claims 1-3 were directed to a single package, whereas currently amended claims 1-3 are directed to a chain of packages formed by folding a web in half. The single package of original claims 1-3 could have been made by another and materially different process such as separately forming the first and second halves of the package from individual film webs or sheets of film sealed together.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-3 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on 07/20/2005 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention for the reasons set forth above.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Jes F. Pascua
Primary Examiner
Art Unit: 3727